

PB#90-12

**DEVITT'S SD
WITHDRAWN**

SBL 9-1-33 & 28

*Application
Withdrawn by Applicant 4/30/90*

General Receipt		11267
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550		
Received of <u>Deviets (Gertrude Devi)</u>		<u>Mar. 27</u> 19 <u>90</u>
For <u>P.B. Application Fee 90-12</u>		<u>\$ 25.00</u> <u>00</u> <u>100</u> DOLLARS
DISTRIBUTION		
FUND	CODE	AMOUNT
<u>CP 1263</u>		<u>25.00</u>
By <u>Pauline D. Townsend</u>		<u>Town Clerk</u> Title

Williamson Law Book Co., Rochester, N. Y. 14609

General Receipt		11266
TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550		
Received of <u>Deviets Town Clerk</u>		<u>Mar. 27</u> 19 <u>90</u>
For <u>P.B. #90-12 Subdivision Escrow</u>		<u>\$ 2,000.00</u> <u>00</u> <u>100</u> DOLLARS
DISTRIBUTION		
FUND	CODE	AMOUNT
<u>CP # 1264</u>		<u>2,000.00</u>
By <u>Jusan Zappala</u>		<u>Deputy Controller</u> Title

Williamson Law Book Co., Rochester, N. Y. 14609

April 30, 1990

Town Of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12550

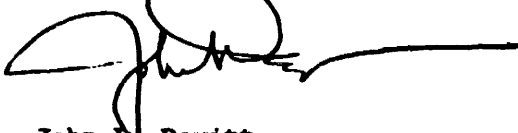
Re: 6 Lot Subdivision For John L. Devitt
Windsor Highway, Town of New Windsor

Gentlemen:

Please be advised that I am withdrawing my application for my 6 lot subdivision on Windsor Highway which is dated March 21, 1990.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'John L. Devitt', with a long horizontal line extending to the right.

John L. Devitt
59 Windsor Highway
New Windsor, New York 12550

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/30/90

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW ACCOUNT

FOR PROJECT NUMBER: 90-12

NAME: DEVITT SUBDIVISION

APPLICANT: DEVITT, JOHN L.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
03/26/90	4 @400.00-2 @200.00	PAID		2000.00	
04/30/90	ENGINEER FEE	CHG	252.50		
		TOTAL:	252.50	2000.00	-1747.50

Please send check in the
Amount of \$1,747.50 To:

John L. Devitt
334 Angola Rd.
Cornwall, N.Y. 12518

Gave to Larry Reis 4/30/90 @m

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/30/90

PAGE: 1

LISTING OF PLANNING BOARD FEES
MUNICIPAL CHARGES

FOR PROJECT NUMBER: 90-12

NAME: DEVITT SUBDIVISION

APPLICANT: DEVITT, JOHN L.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
03/26/90	APPLICATION FEE	CHG	25.00		
03/26/90	APPLICATION FEE	PAID		25.00	
			-----	-----	-----
		TOTAL:	25.00	25.00	0.00

DEVITT'S SUBDIVISION

Mr. Gregory Shaw of Shaw Engineering came before the Board representing this proposal.

MR. SHAW: For the record, my name is Gregory Shaw from Shaw Engineering. I am representing Jack Devitt who is also in the audience tonight. We are here before this Board tonight for some initial feedback with respect to the subdivision of Mr. Devitt's property on Windsor Highway into six lots. The parcel as I am sure you are aware of is on the east side of Windsor Highway, just north of his existing, excuse me, just south of his existing facility and last year a building was constructed on lot #6. The parcel as I said is 19.6 acres requiring a minimum lot area of 2 acres with six lots each lot exceeds the minimum requirement. Our proposal is to put a shared right-of-way through the parcel that right-of-way will fit over the existing traveled way which is physically on the site now. I am sure the Board members have seen it in fact I think some of the Board members have flew over it taking pictures if I remember a year or so ago. Utilities have been installed within the shared right-of-way presently there is a water main which extends from the lands of Occupations, Inc. which is on the left side of the drawing through the lands of John L. Devitt moving in a left to right direction onto the shared right-of-way and it presently terminates in front of the existing building which is owned by Jack Devitt. That line will be extended in 1990 through the remaining area of the shared right-of-way and terminate on Route 32 which is on the right hand side of the drawing. That line will be constructed in accordance with the town's specifications and will be offered for dedication to the town so each lot, each of the six lots will be serviced by town water.

With respect to sanitary facilities for this subdivision, this parcel is part of Sewer District 24 which is presently being designed by the town's consulting engineers. We have indicated on that drawing before you where our preliminary assessment of the sewer main will be. Again, it will be located within the shared right-of-way which would also be a 30 foot wide easement to the Town of New Windsor so the town will have full access to the water mains to the sewer mains which they will own and maintain within that right-of-way. As you can see, there will be two accesses onto Windsor Highway, one to the north and one to the south and we presently have New York State DOT approval for those entrances so that permit is in-hand so we could physically install the entrances tomorrow if we chose.

MR. SCHIEFER: This one exists?

MR. SHAW: Does the concrete curbing exist?

MR. DEVITT: Not concrete, no.

MR. VAN LEEUWEN: Greg, only one thing I see here, okay, this should be presented to us in two different maps because there is two different parcels I remember when Jack bought them because this lot is like a six lot subdivision where it is really two minor subdivisions because there is two parcels involved.

MR. SHAW: I understand completely whichever, whatever the Board's pleasure is.

MR. VAN LEEUWEN: It should be in two maps then later on you can combine them for subdivision approval, you should have this in two maps because otherwise it constitutes major subdivision, six is a major three is a minor. This is the division line if I am not mistaken here, all stonewall because I know Jack bought this parcel and then he bought this parcel because I looked at that parcel myself. That is why I know.

MR. EDSALL: Just following up on what Hank indicated, I want to stand corrected on my comment that I had that it was a major subdivision, I although I was aware of it, I in effect forgot because I saw the numbering but Hank is right, it is two minor subdivisions very similar to New Windsor Business Park so you can disregard comment #5. The public hearing has become discretionary. You may or may not have them but this is two separate individual minor subdivisions.

MR. VAN LEEUWEN: Show them on two different maps.

MR. SHAW: We can do that.

MR. LANDER: Wouldn't that create another problem two minor subdivisions?

MR. VAN LEEUWEN: You have to do it that way.

MR. LANDER: Within three years?

MR. EDSALL: It is already two separate parcels so--

MR. VAN LEEUWEN: Two separate parcels, two separate tax deeds.

MR. SCHIEFER: Five, three, four, and one, two and six.

MR. SHAW: The other reason we showed them on one drawing with respect to County Health, they treat all as one parcel even though they are two separately divided parcels in there. It is all one parcel anyway so they, they'd want it on one drawing, it is a technicality.

MR. SCHIEFER: I think it would be simpler with two maps.

MR. VAN LEEUWEN: You can't take two actions on one map.

MR. SHAW: I will bring a pair of sissors with me.

MR. MC CARVILLE: At some point are your utilities going to be underground, electrical?

MR. DEVITT: Really haven't decided on the electrical right now it is above ground.

MR. PAGANO: I'd like to ask the Board members isn't this a right-of-way and we have private property involved with right-of-ways weren't we discussing this one time or am I missing the implication of private road servicing property.

MR. SHAW: If I can just interject for a minute and again your rules I am not making them up. We are considering this a shared right-of-way in a PIO, am I correct, Mark, that you do not require street frontage either on a public street or private street?

MR. EDSALL: Correct. My comment #2 gets into that. This is in full compliance with the law the way the bulk tables are written. They intend to make it possible for commercial development to occur where town roads don't have to be created. No frontage is required however I think it is obvious that you need access so they have accomplished both basically they are in full compliance with the law. I think our obligation is to make sure there is sufficient access. I don't believe there is any benefit to the town in having another town road created to serve commercial complex.

MR. PAGANO: The rest of my question is that this road is only going to be a nomans land, who is responsible for road maintenance, who gets them together to say fix the potholes.

MR. EDSALL: We have the same situation private roads in many cases are owned, split many times, the center line of the road is the line where in the property lines are set and different people own the private road, this is identical. The property lines extend to the center and each lot owns a piece of the private road. I am suggesting in comment 2 although the law doesn't require it as part of the subdivisions, you require that he file a maintenance agreement.

MR. MC CARVILLE: That takes care of it. I make a motion that the Planning Board assume the lead agency for SEQRA.

MR. VAN LEEUWEN: I will second that.

MR. SCHIEFER: In the matter of the two Devitt minor subdivisions

MR. VAN LEEUWEN: You should designate as section 1 and section 2

MR. SOUKUP: I guess somewhere down the road there is a possibility that this may become more than a private road. It might become dedicated at a later date.

MR. VAN LEEUWEN: Possibly, yes.

MR. SOUKUP: I think that the 30 foot easement that is shown should be made 50 especially with respect to having building setbacks, front yards and things off of that 50 foot line so that if anytime in the future there is an offer for dedication that we don't end up with alot of nonconforming front yards and front buildings so I would suggest that we ask the applicant to make the 30 foot be a 50 foot easement and that that be considered the front line of the lots for purposes of the setbacks and development that will be coming in next. Otherwise, we are going to be looking at alot of nonconforming uses at a later date. That will also change some of the lot areas because you are going to have to deduct some of the additional width.

MR. MC CARVILLE: Doesn't have to build to town specs.

MR. LANDER: If he is going to offer for dedication to the town in the future, the road has to be built to town specs and be inspected.

MR. SCHIEFER: It doesn't have to be built to town specs now.

MR. SOUKUP: Right. There are no private road specs?

MR. EDSALL: Not for commercial.

MR. SHAW: This is not a private road and I just talked to Jack and you can ask him it is not his intention to make this a town road nor to make it a private road, it is our intent to keep it a 30 foot wide right-of-way and only that. Then if it precludes us from ever in the future from making it a town road then so be it. If the Board wants us to keep the setbacks from the 50 foot theoretical right-of-way which means everything gets pushed back 10 feet I don't see that being that big of a problem but it is the 50 feet it is the deduction of the land area for the zoning purposes from the area of the lot that concerns us.

MR. MC CARVILLE: We have another one that we are looking at right now that is 20 foot right here on Temple Hill Road for a subdivision.

MR. BABCOCK: Health Shield.

MR. VAN LEEUWEN: It is a 50 foot right-of-way.

MR. SOUKUP: It is a 50 foot right-of-way easement or a private road.

MR. VAN LEEUWEN: But the road is 20 foot wide.

MR. SOUKUP: It is much less traffic and different character of traffic than this.

MR. VAN LEEUWEN: Is it really going to hurt to give the 50 feet?

MR. DEVITT: Hank, this is where part of the problem ran into as far as deciding whether to go to town road or not and that was I wanted the whole thing is going to be a horticultural center and I want plantings down on both sides of the road and this is the problem I came into when I was trying to give that 50 feet, the 50 feet that the town wanted.

MR. VAN LEEUWEN: You want on the two sides plantings?

MR. DEVITT: Exactly, this is going to be a real good looking area and I can't do that.

MR. VAN LEEUWEN: You want to preserve the 10 feet on each side for plantings?

MR. DEVITT: Yes, so I thought that the way we had this that it was acceptable under an easement type of situation with 30 feet.

MR. SHAW: It certainly covers the bases, it is wide enough for two access lanes and you can get the town's utilities very easily.

MR. MC CARVILLE: I have no problem with the 30 feet myself.

MR. VAN LEEUWEN: Any problem to this part, give the 10 feet as an easement to the town even though you are going to plant it.

MR. BABCOCK: The problem that that presents is putting all the plantings in the town easement.

MR. SOUKUP: There is no town easements, it is a mutual easement among the owners.

MR. BABCOCK: The purpose that you are asking for a 50 foot easement in case he wants to turn it over to the town, right?

MR. SOUKUP: Well and secondly to maintain usual setbacks between buildings based on front yard lines with 30 feet you can squeeze everything down that much more although I fully understand your intentions and your wishes and desires and I think we are looking at six lots that are going to be sold. You are not going to have complete control over them at a later date when they are transferred and there will be other people involved that will be coming in for site plan so we have to deal with six other parties.

MR. DEVITT: I understand what you are saying but if we went along with the setbacks going from the 50 foot it is still a 30 foot easement.

MR. SOUKUP: My thought would be to make it 50 foot easement and on the cross section or on the plan reserve 10 feet on each side within that easement for your landscaping area.

MR. DEVITT: I have already gone to Fred Fayo and everything as far as that is part of the reason on that not making a town road quite frankly because I can't do what I want to do on the side of the road.

MR. VAN LEEUWEN: What he doesn't want to do and he is right if he gives a 50 foot easement, it means it is 70 feet when he puts his plantings outside it is going to look like hell because you have a 10 foot swath he has got a 10 foot open space, 30 foot road 10 foot open space on each side and the 10 foot of plantings.

MR. SOUKUP: He can use the 10 feet within the 50 for plantings.

MR. VAN LEEUWEN: The town doesn't want him to do it.

MR. SOUKUP: The town is not involved, the town has no involvement with the road. It is a private road subject to a maintenance agreement among the six lots in the subdivision, am I right or wrong?

MR. SHAW: You are right.

MR. MC CARVILLE: It is not a private road, it is not even a road.

MR. SHAW: It is a shared driveway.

MR. VAN LEEUWEN: For his own purposes.

MR. MC CARVILLE: It is not a road. We went through that last week again.

MR. SOUKUP: It is a shared driveway, it is going to be subject to maintenance agreements among the lots involved using it for access and maintenance purposes and there are utility easements that are lying in it but the town is not involved in building it or supervising it or maintaining it.

MR. SHAW: They will have an easement over it for the water and sewer lines.

MR. SOUKUP: The town isn't involved, Fayo can't tell you what to do and what not to do.

MR. DEVITT: What you are saying if in the future it becomes a town road?

MR. SOUKUP: I am saying if I were one of these lot owners or the third or fourth party removed and that opportunity were offered to me at a later date, I might consider it and you might not have the control or be able to prevent him from doing that.

MR. MC CARVILLE: How about this if we were to ask the applicant to put in the deed description and on the map to be approved that a notation that the shared access driveway will at no time be considered for a possible town road.

MR. LANDER: That was the question before it was brought up that at some time in the future it might be proposed or dedicated to the town.

MR. SCHIEFER: Is that really necessary if you are going to have a 30 foot road which doesn't meet the requirements.

MR. VAN LEEUWEN: It has to meet town specs.

MR. MC CARVILLE: He doesn't want town road, he doesn't want it.

MR. SCHIEFER: He is precluding that.

MR. SOUKUP: He is going to sell six lots.

MR. MC CARVILLE: Put a note on the map so that these people that buy these six lots we have done our job by putting the note on that is never going to be dedicated.

MR. SHAW: Have it recorded in the deeds.

MR. SOUKUP: Then the only other way I can see to maintain what is basically the town's standards of front yard setbacks have another 10 foot easement line outside of the 30 foot line on each side which will effectively will be the front lot line for the setbacks and dimensions.

MR. SHAW: What I will do on a subdivision plot, I will show front yard setback line on the filed subdivision plot. I don't want to get into another 10 foot easement because that is a deduction from the lot area that can only cost Mr. Devitt land and lots. For a formality of putting the front yard setback on the filed plot where anybody who comes in for site plan and they will come in for at least five more site plans because there are five lots besides the one that Mr. Devitt built, the building that is the setback upon which they will have to comply with but just to give up a 10 foot easement.

MR. VAN LEEUWEN: We are not asking for 10 foot easement. We are asking if it requires a 50 foot setback, okay, that you don't take the 50 from the 30 foot easement.

MR. SHAW: Our subdivision plot will show that setback line that extra distance that you just requested.

MR. SCHIEFER: I think the idea is great but if you are going to sell off five of the lots how are you going to control it, it is going to be a horticultural center.

MR. DEVITT: I am not going to sell the five lots.

MR. VAN LEEUWEN: You are not going to sell any of them?

MR. DEVITT: I will say at this time that I doubt it but I am not positive.

MR. MC CARVILLE: If he is going to keep most of it, it is no big deal.

MR. DEVITT: The only possible lot that I feel that I would sell would be the one that faces 32.

MR. VAN LEEUWEN: He can get access off of 32.

M.R DEVITT: We will be in later on some building site plans already where the ideas are already in progress.

MR. SCHIEFER: I have not problem with what's been proposed on the 30 foot road or easement whatever you want to call it.

MR. VAN LEEUWEN: We have the problem cleared up.

MR. SCHIEFER: We have two motions on the floor, we have to reword the motion.

MR. VAN LEEUWEN: We have to name it section 1 and section 2.

MR. EDSALL: Why don't you wait until you get two separate applications and then go through all the paperwork.

MR. SHAW: We have one more little twist on this. We can, we formally submitted to the Supervisor and the Town Board a request for a zoning change on this parcel of land as I mentioned it is zoned PI and what we have submitted to the Town Board is a request and an easement and three sets of drawings requesting that this be changed to an NC zone, neighborhood commercial for all six lots. I know that the Town Board is going to come back to this Planning Board and ask for a recommendation and I thought maybe we could save some time by discussing this tonight.

MR. VAN LEEUWEN: Greg, I have spoke to the Supervisor and he spoke to me about it. He is looking to change the whole side of 32, the Town Board wants, they don't want to do just this property, they are going to do everything from Union Avenue right down to the city line just like they did on my side, okay.

MR. SCHIEFER: Spot zoning I know, I don't like that.

MR. VAN LEEUWEN: They don't want to go for spot zoning. What we have to consider--

MR. KRIEGER: Spot zoning is illegal.

MR. VAN LEEUWEN: What we have to take into consideration not only this parcel but we have to take in the whole thing from the apple orchard right down to the city line.

MR. SHAW: Okay, well we are happy to service that catalyst and get it moving in that direction.

MR. VAN LEEUWEN: Personally, I see no problem with it.

MR. DEVITT: Where does that leave us as far as us trying to get this changed to an NC?

MR. VAN LEEUWEN: They just change your parcel alone is the whole thing, they have to go to the same public hearing. I talked to George about it. I think it will go much faster if you do the whole thing. They can do it in a couple of months.

MR. DEVITT: What does it take to get something like that under motion?

MR. VAN LEEUWEN: We have to poll the Board and see if the Board is interested in, see if the Board will go along with that and we have to make, send to the Town Board a recommendation that we do that, we recommend that.

MR. SCHIEFER: Has the Town Board requested anything on that?

MR. VAN LEEUWEN: No, they have not, doesn't mean we can't send them a letter. George would like a letter.

MR. KRIEGER: Until they ask for it, you can't send a letter. It would be like shooting a rocket off to Mars.

MR. SCHIEFER: Let them ask us our opinion. If they come to us for an opinion but--

MR. SOUKUP: Just one question or comment not being residential does this have to go to the Health Department?

MR. EDSALL: For which, the water, yes, the latest interpretation from the County Health is that any extension of a line other than an individual service must go to the County but DEC says that they really don't want to see it so it is an interesting difference.

MR. SHAW: It is out intention to go to the County for the water main extension.

MR. VAN LEEUWEN: I suggest you poll the Board and find out and I will talk to the Supervisor and he is away right now, his brother is being operated for a hip operation or you can talk to him Carl.

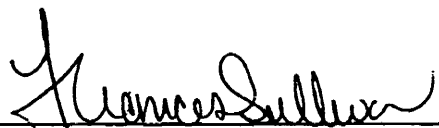
MR. SCHIEFER: Does anyone on the Board have an objection to rezoning that entire thing to NC, the entire area on that side of 32, any objection to that rather than get into a lengthy discussion?

MR. SOUKUP: How much is the whole thing, it is a hell of a big area separated by railroad tracks and everything, is it a blanket rezoning?

MR. VAN LEEUWEN: Let me show you, it is approximately 200 acres.

Being that there was no further discussion to come before the Board a motion was made to adjourn the meeting by Mr. VanLeeuwen seconded by Mr. McCarville and approved by the Board.

Respectfully submitted;



FRANCES SULLIVAN
Stenographer

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SITE PLAN, SUBDIVISION PLAN,
OR LOT LINE CHANGE APPROVAL

1. Name of Project Devitt Subdivision
2. Name of Applicant John L. Devitt Phone 561-1938
Address 334 Angola Rd., Cornwall, N.Y. 12518
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record (same) Phone (same)
Address (same)
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Shaw Engineering Phone 561-3695
Address 744 Broadway, P.O. Box 2569 Newburgh, N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney Tad J. Seaman Phone 565-5200
Address 542 Union Avenue, New Windsor, N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting Gregory J. Shaw, P.E. Phone 561-3695
(Name,
7. Location: On the East side of NYS Rt. 32
(Street)
1800⁺ feet Northeast
(Direction)
of Union Avenue
(Street)
8. Acreage of Parcel Lot 33 11.313 AC
Lot 28 8.299 AC 9. Zoning District PI
10. Tax Map Designation: Section 9 Block 1 Lot 33 and 28
11. This application is for Subdivision Approval

NOTED FOR THE TOWN OF NEW WINDSOR
PLANNING BOARD
JAN 18 1991
TAD J. SEAMAN
TOWN CLERK

12. Has the Zoning Board of Appeals granted any variance or a Special Permit concerning this property? No

If so, list Case No. and Name N/A

13. List all contiguous holdings in the same ownership
Section 9 Block 1 Lot(s) 36

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT

(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

John L. Devitt being duly sworn, deposes and says that he resides at 334 Angola Rd., Cornwall in the County of Orange and State of New York and that he is (the owner in fee) of

(Official Title)

~~of the Corporation which is the Owner in fee of~~ the premises described in the foregoing application and that he has authorized

Gregory J. Shaw, P.E. to make the foregoing application for ~~Special Use Approval~~ as described herein.

Subdivision Approval

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE.

Sworn before me this

4th day of March 1989

[Signature]
Notary Public

[Signature]
(Owner's Signature)

John L. Devitt

[Signature]
(Applicant's Signature)

John L. Devitt

(Title)

**I DO SOLEMNLY
SWEAR PUBLIC, State of New York
Residence on Appointment Orange County
Commission Expires May 31, 1991**

PROJECT I.D. NUMBER

617.21

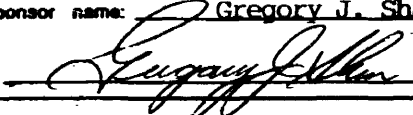
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR John L. Devitt	2. PROJECT NAME Devitt Subdivision
3. PROJECT LOCATION: Municipality Town of New Windsor County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Project is located on the east side of NYS Rt. 32 approximately 1800 feet north-east of Union Avenue.	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Project is the subdivision of 19.612 [±] acres into 6 non-residential lots, each lot being 80,000 SF or greater in size.	
7. AMOUNT OF LAND AFFECTED: Initially 19.612 [±] acres Ultimately 19.612 [±] acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: Zones in vicinity of project: PI (Planned Industrial) and NC (Neighborhood Commercial)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Gregory J. Shaw, P.E. Date: 3/22/90	
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

- A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?** If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☐ No
- B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.67** If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☐ No
- C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)**
- C1.** Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
- C2.** Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
- C3.** Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
- C4.** A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
- C5.** Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
- C6.** Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
- C7.** Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
- IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?**
☐ Yes ☐ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Town of New Windsor Planning Board

Name of Lead Agency

Carl E. Scheifer

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer

Signature of Project (if different from responsible officer)
Gregory J. Shaw, P.E.

Date

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

John L. Devitt, deposes and says that he
resides at 334 Angola Road, Cornwall
(Owner's Address)
in the County of Orange
and State of New York
and that he is the owner in fee of Section 9 Block 1 Parcels 33
and 28.

which is the premises described in the foregoing application and
that he has authorized Gregory J. Shaw, P.E.
to make the foregoing application as described therein.

Date: March 21, 1990


(Owner's Signature)


(Witness' Signature)